

REMARKS

Claims 1, 2, and 6 were amended. Claims 5 and 7-42 have been cancelled. Claims 43-79 have been added. Therefore claims 1-4, 6, and 43-79 remain pending in the application.

Section 102(e) Rejection:

The Office Action rejected claims 1-3, 5-11, 15-22, 26-31 and 33-42 under 35 U.S.C. § 102(e) as being anticipated by Kobata et al. (U.S. Patent 6,170,065) (hereinafter “Kobata”). Applicant respectfully disagrees with the rejections. Claims 7-11, 15-22, 26-31 and 33-42 have been cancelled, and, therefore, the rejection is believed moot with respect to these claims.

Kobata does not disclose, teach, or suggest, at least “a knowledge interface to **receive** one or more checks and one or more **corresponding product check matrixes** (emphasis added)” as recited in claim 1. For example, the Examiner points to Kobata at column 4, lines 29-31 for this teaching: “This script engine is in turn coupled to the client side system inventory database 42 and the system tools manager 44 (Kobata, col. 4, lines 29-31).” The Examiner further states “Product check matrixes is the database that comprises configuration information of the system software and hardware (Office Action, page 3).” Applicant respectfully disagrees with the Examiner’s characterization of a product check matrix, however, Applicant also notes that Kobata does not teach at least an interface **receiving** the database referred to by the Examiner.

Furthermore, Applicant respectfully asserts that Kobata does not disclose “one or more **checks** and one or more **corresponding product check matrixes** (emphasis added).” For example, Kobata does not appear to disclose product check matrixes or product check matrixes that **correspond** to one or more checks. Applicant respectfully asserts claim 1 and claims dependent thereon are allowable for at least the above reasons.

Applicant respectfully requests the Examiner withdraw the rejection to claim 1 and claims dependent thereon.

Section 103(a) Rejections:

The Office Action rejected claims 4, 12 and 23 under 35 U.S.C. § 103(a) as being unpatentable over Kobata in view of Chamberlain et al. (U.S. Patent 6,434,744) (hereinafter “Chamberlain”), and claims 13, 14, 24 and 25 as being unpatentable over Kobata in view of Benayoun et al. (U.S. Patent 6,510,552) (hereinafter “Benayoun”). Applicant respectfully disagrees with the rejections. Applicant also respectfully submits claim 4 dependent on patentably distinct claim 1 is at least allowable for the above reasons. Applicant respectfully requests the Examiner withdraw the rejection to claim 4. As claims 12-14 and 23-25 have been cancelled, the rejection is believed moot with respect to these claims.

Double Patenting Rejection:

The Office Action rejected claim 1 under the judiciary created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/318,707. Since this rejection is provisional, Applicants will consider filing a terminal disclaimer or presenting arguments traversing the rejection if it becomes non-provisional.

Section 101 Rejection:

The Office Action rejected claims 18-28 and 36-42 under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Claims 18-28 and 36-42 have been cancelled and, therefore, the rejection is believed moot.

Claim Objections:

Claims 29-32 and 33-35 were objected to under 37 C.F.R. § 1.75 as being substantial duplicate of claims 7-10 and 15-17, and claims 36-39 and 40-42 as being a substantial duplicate of claims 18-21 and 26-28. Claims 21, 23, and 39 were further objected to form informalities. Applicant respectfully disagrees with several of the objections, however, as claims 7-42 have been cancelled, the rejection is believed moot.

New Claims

Applicant respectfully asserts the cited art does not disclose, teach, or suggest, either separately or in combination the features of new claims 43-79.

For example, Kobata does not disclose, teach, or suggest at least “listing one or more of packages or patches in a product check matrix, wherein **the product check matrix corresponds to one or more product issues** (emphasis added)” as recited in new claims 48 and 59. The Examiner points to Kobata at column 4, lines 23-37 and column 4, lines 45 – column 5, line 5 and further states “Product check matrixes is the database that comprises configuration information of the system software and hardware (Office Action, page 3).” Applicant respectfully disagrees with the Examiner’s characterization of a product check matrix. Further, Applicant respectfully asserts a database is not a list of “one or more of packages or patches in a product check **matrix** (emphasis added)” wherein “the product check matrix **corresponds to one or more product issues**” as recited in claims 48 and 59. For example, the database referred to by the Examiner does not at least “correspond” to a product issue. Applicant respectfully asserts claim 48, 59 and claims dependent thereon are allowable for at least the above reasons.

CONCLUSION

Applicants submit the application is in condition for allowance, and prompt notice to that effect is respectfully requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above-referenced application from becoming abandoned, Applicants hereby petition for such an extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-33700/RCK.

Also enclosed herewith are the following items:

- ☐ Return Receipt Postcard
- ☐ Petition for Extension of Time
- ☐ Notice of Change of Address
- ☐ Other:

Respectfully submitted,

/Robert C. Kowert/

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